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EXECUTIVE DIRECTOR

Salem Public Hearing
Salem State University, Petrowski Room, Marsh Hall #210
71B Loring Avenue, Salem
April 26, 2018 8:30 a.m. – 12:30 p.m.

Present Board Members:

- Walter White, Chairperson (WW)
- David D'Arcangelo, Massachusetts Office on Disability (DA)
- Harold Rhodes (HR)
- Dawn Guarriello (DG)

Also in Attendance:

- Thomas Hopkins, Executive Director (TH)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

Board Members not in Attendance:

- Jane Hardin (JH)
- Ray Glazier (RG)
- David Johnson (DJ)
- Patricia Mendez, (PM)
- Andrew Bedar (AB)

- Meeting began approximately 9:15 a.m.

WW – DD, HR, DG

Debra Lobsitz, 11 Forest Ave., Salem Commission on Disabilities (DL)
Lisa Orgettas, 27 Congress Street, Suite 107, Salem, MA (LO)
Hannah Noseworthy, 27 Congress Street, Suite 107, Salem, MA (HN)
Chris Fitzgerald, 91 rock Island Road, Quincy, MA (CF)
Ross Dolloff, 10 Seaport Drive, Quincy, MA (RD)
James Leahy, 10 Lehighway Road, Byfield, MA (JL)

The Chair opened the meeting and introduced the Board members.

Debra Lobsitz - We had a blind resident talk to us about the barriers at construction sites. The barriers are either undetectable or catch his cane. There is a gap where the drums are and leave a

gap where his cane is. We have asked to add objects to indicate the construction sites. Looking forward to specifications at every site.

TH – We will have it on the record to bring up with the subcommittee.

DD – Would that be in section 8?

TH – In the current code it is 3.10. It is a great point. You can only detect the barrels.

DL – I can put you in touch with the person who brought this to us.

CART arrived

Lisa Orgettas ILC North Shore and Hanna Noseworthy

What is the opinion in regards of legislation to align AAB with ADA?

TH – We are in the 9th legislative session. Encourage legislature to loosen grip on employee areas. There is language for 15 parking spaces. Our ultimate goal at the end of the process here and if the legislation passes, is to submit the code book to the Justice Department for a certification of substantial equivalency. We have had this goal for years and years. Varying votes. Last time senate voted in full it went to the house and there was an amendment filed by a representative who is an architect who wants less jurisdiction of AAB. Wants to change 30% to 10% for the city of Boston and suggested 70% for the rest of the state. It clearly means no access. It may not be pushed forward. There are still more public comments to come. Hope advocates support jurisdiction.

In MA you can build a new building for employees only. They only part that needs to comply is the hiring office. Think of the people in Iraq who come back. The system is broken. ADA became effective in 1992. The board started pushing the bill to alter the language of the bill, Chapter 22, Section 32A is our current governing statute. So we can begin to control employee spaces. This has people fearful. ADA already has built in exemptions. We pulled in a lot from ADA. If you look back at older regulations, 1982, 1992. The code is to provide people with disability a full life and participate in their communities and it used to say employment in that section. In '96 mysteriously it was struck out of the code. Why did this happen. We are clawing back part of the bill to insert employment. We are facing great headwinds. People are fearful. Entrance, maneuvering clearance, and exits. Employment opportunities can be created. The time of the country now is to deregulate.

LO - The independent living centers are behind this.

It would be beneficial if the groups write to the board during the comment period and support the language. When we first put together we put in language for employment. We have reserve sections. Lawyers said take it out. People wanted clarification...it is not retroactive. 521 CMR is not retroactive. The legal side of the piece we can grant variances to 521 CMR,

LO – We see the variances.

TH - We want to empower the locals. It has been a struggle. I have been there almost 20 years. Thinking spring of 2019 shipping code book off to dept. of justice. Can't change the language until the statute is cleaned up.

LO - As far as complaints. It just seems ... we filed a complaint it is dragging on. Is there any way we can speed this up?

TH – Call the office, call the compliance officer. We handle about 150 complaints per year. It

also depends on how much work you did on the complaint.

LO – It was a nursing home that didn't fix the door opener.

TH – I would love to have more staff but hasn't happen.

Chris Fitzgerald, 91 Rock Island Rd, Quincy
Impact on playgrounds
Recreation department, Weston

TH - Gave an overview on wood fiber at playgrounds.

The Board has adjudicated a number of complaints on wood fiber product. The Board for a number of years has not accepted wood fibers for the accessible routes that are required. Routes to the play equipment. We require those routes to be firm, stable and slip resistant.

Wood fiber industry has ADA and another approval. AAB disagrees. There have been allegations that we require poured in place.

The subcommittee dragged in the language from ADA for playgrounds.

Use zone – I take my granddaughter to the playground... I can push her on the swing.
If you have 3 different swing sets, I think the regulation will require routes to one of them.

Shrewsbury Patten School – Well intended. Planned a wood fiber playground and someone filed a complaint. Principal shut down the playground. We had a call with school and wood fiber folks. The principal and parents group came up with a plan and we accepted the plan and gave a year to raise the money. Reassured the school that they could reopen the playground for that year.

DD - Gave page numbers to reference. 59.4.1

TH– I got an email this morning from the chairman of the subcommittee on a similar subject.

WW – As Tom explained this only applies to new construction.

CF - So we don't have to go to playgrounds that are a few years old?

WW – No. If you do a new one.

CF - What about maintaining? It wouldn't trigger?

WW - No

TH – Wood fiber needs to be compacted. When it is torn up it might not meet fall zone requirements.

TH - Nantucket playground – we went to the island and tested it out. They also stated that they could color code it so people could see the route. We had a meeting with the petitioners and required status reports on how it is holding up. In the end the town didn't want the responsibility. They chose poured in place for the routes.

This isn't the only time AAB disagreed with Federal folks.

DG – Maintenance on existing triggering – it is no it does not trigger.

CF - Refreshing does not trigger.

DG - No

TH - DPWs have wood chippers.

CF - We buy certified and maintain it.

Russ Dolloff - Quincy

Gave written comments.

Bathroom facilities – Need to be a bar on both sides of the toilets. A lot of people are in the same situation. If only 1 available bars on both sides.

The way it is written now....the way to do it is put a bar on the outside. The bar on the back does not help when sitting on the toilet.

DD - Is this in public use?

RD – Yes and should be the rules in hotels.

TH – Subcommittee had discussions regarding this.

RD - Talking about fold down. Useful for many people.

Also with respect to separate handicapped bathroom the way the regulations are written it doesn't work now. 6 or more rooms to have rule take effect.

TH - The alternate accessible stall. Usually you have 1 accessible stall. Alternate accessible stall 36 inches wide and bars on both sides.

RD - The way it is written separate for handicapped apart from the stalls a totally separate is written if 6 toilet rooms. No place has 6.

P 128 18.1b

RD - It should be fixtures. It needs to be changed.

DG – I design schools with more.

RD- Propose it be a number of fixtures rather than rooms, maybe 12 fixtures.

TH - We require single user if a business spends over \$100,000, and if they are building. If someone opens a restaurant that has 10 seat and 1 bathroom that bathroom has to be accessible.

RD – If bathrooms are in a theatre 7 or 8 there is only 1 room. Do it in terms of fixtures rather than rooms.

RG – Are you saying for existing?

RD - A rule about new buildings.

DG - Trying to understand....is it a wait time....

RD - You have to kick everyone else out because might need help from wife.

TH - The subcommittee refers to it as a family room.

TH - You want more single user bathrooms. Right now as 6 doesn't make sense.

DG - Where is the origin of language? ADA

TH - Yes. ADAG and 200 design standards UFAS, and looked at IBC and ANCY and compared.

RD- In the bathrooms the toilet paper roll is above the bar it should be below to use the bar. Also the toilet rolls there should be a standard. Useful have a spindle. Can't use the ones in the box.

DG – In public schools we design around things.....in public schools you may see double of things. Some want huge roll to change it less.

DD – Read 18.7.8 toilet dispenser.

12 inches above the bar.

DG - Could have bar at 33, roll at 48.

HR - Make dispensers below the grab bar.

RD - Another question – around theatres, etc. Ticketing you only get two people together for events. They would do it differently for people who are not handicapped. They do it for architectural issues.

TH - Think of the Esplanade, people race to the front. Accessible is designed for people in wheelchairs not blind. We looked at this before. The code is what it is. It is impossible to write the code to say that.

RD - A lot have HC seating at the end of the rows.

RD- Other places there are only certain rows you can be in because tiered seating. All of the seating in those rows should be handicapped seating. Be able to put wheel chairs in the space.

HR - I buy the seat next to my wife. How many additional should they have.

RD - Most are 4 total together. It should be the same as everyone else.

RD - I submitted an email to Tom. About a year ago I and made suggestions, don't know if anyone did anything.

The Board went out of session.

The Board went back into session
James Leahy, Byfield, MA

JL – Sounds at intersections – Carroll Center it only chirped for only ½ the time. Make sure there are yellow truncated domes, detectable warnings, a friend walked off a train platform because she didn't feel the truncated dome.

Stairs flat on upward space.
Inside and outside railings on both sides

Lighting is not a concern for me.

WW – Truncated domes how do you use them? Does it tell you a direction?

JL -It tells me this is where to cross, it is usually diagonal, then I use my other senses. They are a warning not a direction to me.

TH - Apex curb cuts, in 2002 the Board amended the regulations to use apex curb cuts on the corner. We had previously disallowed. We have contended all along that training is more traffic than apex. Electric cards.

JL - Under 50 have to make noise.

JL - My brother has looked into accessibility. The width of trunked domes can interfere with wheelchair access. The width, some users of wheelchairs it makes travel difficult. I don't know the solution or exact problem.

DG - Would he be able to read our regulations and give us comments? He was in town on Saturday for a conference. He is moving to Chicago.

DG – This is specific to MA.

JL - Mass is a good state to be blind in. I have had positive experiences.

HR - Put in a plug for Milford trail. GPS location activated audio tour information. Audio navigation. It is the first working trail in the state for low vision.

JL - Newburyport rail trail –

TH - The rail trail was a variance in front of the AAB. When it was turned into a walking trail Newburyport wanted to do the stairs over. Stairs were granted variance from being accessible, but there were 3 or 4 places where people in wheelchairs can have access.

WW - A woman was here early talking about warnings around construction sites?

JL - I haven't had to handle them yet. Vehicles parked in walkways need to have a barrier. Cane couldn't detect. They need a couple cones. Maintenance and work trucks work there. They need to be coned. Jersey barriers on a sidewalk require an alternative pathway for cane user.

TH - The woman brought concerns from Salem commission ...heard from someone in Salem who is blind. When they put up barrels or fencing it is problematic for cane users. She describe if they put a barrier there will be cane detection.

TH - Adding language about cane detectable warnings.

TH - We wonder why cane manufactures don't come up with GPS on canes.

JL – There are apps. It might be a solution to the problem. There could be a construction accommodation app.

JL- Make sure if you can make inside of sidewalks have a good shore line.

The Board adjourned the meeting at 12:30.